

PATENT
450108-4484.2**REMARKS**

The Office Action in the above-identified application has been carefully considered and this amendment has been presented to place this application in condition for allowance. Accordingly, reexamination and reconsideration of this application are respectfully requested.

Claims 143-144 and 146-147 are in the present application. It is submitted that these claims, are patentably distinct over the prior art cited by the Examiner, and that these claims are in full compliance with the requirements of 35 U.S.C. § 112. No changes have been made to the claims presented herein.

Claims 143 and 146 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Klingler et al. (U.S. Patent 5,404,316) in view of de la Huerca (U.S. Patent 6,820,093). Claims 144 and 147 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Klingler in view of Huerca and Duffy et al. (U.S. Patent 5,339,393).

The present claims recite "setting the enable/disable flags corresponding to each of said plurality of clips linked in said tree structure above the modified edit processing to disable, re-edit processing each of said plurality of clips having enable/disable flags set to disable ... and re-setting the enable/disable flags corresponding to each of said plurality of clips linked in said tree structure above the modified edit processing to enable." (Claims 143 and 146) In this manner, when the user changes (or modifies) one or more clips used in producing a resultant clip, the present invention uses the enable/disable flags to branch through those portions of the tree structure affected by the changed editing and automatically updates all effected clips.

PATENT
450108-4484.2

The Examiner concedes Klingler does not teach updating data and link information in accordance with enable/disable flags corresponding to each of said plurality of clips. (Office Action page 3) Rather to meet the present invention's enable/disable flag limitations, the Examiner has replaced the previously relied upon Slye reference with the de la Huerga reference. However, the portions of de la Huerga cited by the Examiner to meet the enable/disable flag limitations are not available as prior art to the present application. The present application is entitled to a domestic priority filing date of September 19, 1997; based on a 371 of PCT/JP97/03343. (see Filing Receipt) Although de la Huerga traces its priority through a series of continuation-in-part applications back to July 30, 1996; the relied upon disclosure in columns 35-36 of de la Huerga was added into one of the continuation-in-part applications after the present application's priority date. This lack of priority is evidenced by the fact that none of de la Huerga's predating CIP applications (U.S. Patent 6,345,268 filed August 7, 1998, U.S. Patent 5,903,889 filed June 9, 1997, and U.S. Patent 5,895,461 filed October 9, 1996) contain the disclosure cited by the Examiner to meet the present claim limitations. Accordingly, the relied upon disclosure is not entitled to a priority date earlier than the present application and therefore cannot be used as prior art.

Furthermore, Applicants do not believe the combination of Klingler, Huerga, and Duffy meet the conditions for a *prima facie* case of obviousness. As described in MPEP 706.02(j) for a *prima facie* case of obviousness the teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. Applicants assert that de la Huerga is directed to general processing (e.g. a medical facility word processor and database manipulation); whereas the present invention is directed to an audio/video editing machine. Hence, de la Huerga is not directed to an analogous

PATENT
450108-4484.2

field of art which would suggest combining its teachings with those of Klingler and Duffy with a reasonable expectation of success.


Accordingly, for at least these reasons, any combination of Klingler, Huega, and Duffy fails to obviate the present invention and claims 143-144 and 146-147 should now be allowed.

In view of the foregoing amendment and remarks, it is respectfully submitted that the application as now presented is in condition for allowance. Early and favorable reconsideration of the application are respectfully requested.

No additional fees are deemed to be required for the filing of this amendment, but if such are, the Examiner is hereby authorized to charge any insufficient fees or credit any overpayment associated with the above-identified application to Deposit Account No. 50-0320.

If any issues remain, or if the Examiner has any further suggestions, he/she is invited to call the undersigned at the telephone number provided below. The Examiner's consideration of this matter is gratefully acknowledged.

Respectfully submitted,
FROMMER LAWRENCE & HAUG LLP

By: 
Darren M. Simon
Reg. No. 47,946
(212) 588-0800